

# United States District Court

E-FILED

NORTHERN

DISTRICT OF

CALIFORNIA

UNITED STATES OF AMERICA

V.

Gabriel GERMAN-Alarcon

2007 JUN 19 P 3:38

 RICHARD W. WIEKING  
 CLERK  
 U.S. DISTRICT COURT  
 NO. DIST. OF CAL. S.J.

## CRIMINAL COMPLAINT

Sm

07 70355 PVT

CASE NUMBER:

(Name and Address of Defendant)

I, the undersigned complainant being duly sworn state the following is true and correct to the best of my knowledge and belief. On a date unknown but no later than, May 21, 2007, in Monterey County in the Northern District of California defendant(s)

Unlawfully re-entered and was found in the United States after deportation, without the permission of the Attorney General

in violation of Title 8 United States Code, Section(s) 1326  
 I further state that I am a(n) Deportation Officer and that this complaint is based on the following facts:  
Official Title

SEE ATTACHED AFFIDAVIT

PENALTIES: \$250,000.00 fine, twenty years imprisonment and \$100.00 special assessment fee and a Term of Supervised Release up to three years.

Requested bail: Issue no bail warrant.

APPROVED AS TO FORM:

Beyan T. Kurnoff  
 ASSISTANT UNITED STATES ATTORNEY
Continued on the attached sheet and made a part hereof: ☒ Yes ☐ No
Charles H. Bursley  
 Signature of Complainant

Sworn to before me and subscribed in my presence,

6/19/07  
 Date

at

San Jose, California  
 City and State

Patricia V. Trumbull  
 UNITED STATES MAGISTRATE JUDGE  
 Name & Title of Judicial Officer

Patricia V. Trumbull  
 Signature of Judicial Officer

**RE: Gabriel GERMAN-Alarcon****A72 959 710**

I, Timothy F. Purdy, am a Deportation Officer of the United States Department of Homeland Security, Immigration and Customs Enforcement (ICE). I have been employed by this agency, U.S. Customs & Border Protection and the former Immigration and Naturalization Service (INS), since October 1, 2002. I am currently assigned to the Criminal Alien Program at the San Jose, California Sub-Office. In such capacity, I have reviewed the official immigration "A-File" relating to the above named defendant, which attests to the following:

- (1) The DEFENDANT Gabriel GERMAN-Alarcon, is a 34 year-old male, citizen and native of Mexico, born on November 1, 1972, in Gueuvero, Mexico, substantiated by multiple statements made to that effect by the DEFENDANT on May 21, 2007 to ICE Immigration Enforcement Agent (IEA) Jesse Cruz of the San Jose, California DRO Sub-Office;
- (2) The DEFENDANT has been assigned Alien Registration number of A 72 959 710, FBI number of 3947864MA3, and California Criminal State ID Number of A09573650;
- (3) On February 10, 1992, the DEFENDANT was convicted in the Superior Court of California – County of Orange for the offense of GRAND THEFT VEHICLE/VESSELS ETC, a felony, in violation of California Penal Code 487(H)(A), and was sentenced to six months in jail;
- (4) On November 13, 1992, the DEFENDANT was convicted in the Superior Court of California – County of Orange for the offense of GRAND THEFT VEHICLE/VESSELS ETC, a felony, in violation of California Penal Code 487(H)(A), and was sentenced to one year in jail. This offense is defined as an aggravated felony under Title 8, United States Code, Section 1101(a)(43)(G);
- (5) On July 6, 1993, the DEFENDANT was convicted in the Superior Court of California – County of Orange for the offenses of: UNLAWFUL POSSESSION OF A CONTROLLED SUBSTANCE - COCAINE, a felony, in violation of California Health and Safety Code Section 11350(A) and UNLAWFUL TAKING OR DRIVING OF A VEHICLE, a felony, in violation of California Vehicle Code 10851(A), and sentenced to one year and four months. This offense is defined as an aggravated felony under Title 8, United States Code, Section 1101(a)(43)(G);
- (6) On January 27, 1994, the DEFENDANT was determined to be unlawfully present in the United States by the EOIR Los Angeles, CA and ordered deported from the United States to Mexico;

Gabriel GERMAN-Alarcon

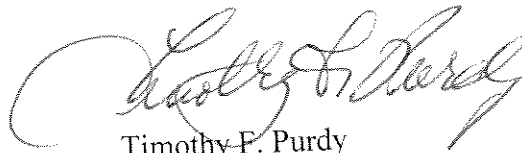
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- (7) On October 30, 2003, the DEFENDANT was convicted in the Superior Court of California – County of Orange for the offense of UNLAWFUL POSSESSION OF A CONTROLLED SUBSTANCE, a felony, in violation of California Health and Safety Code Section 11350(A), and was sentenced to ninety days in county jail;
- (8) On December 24, 2003, the DEFENDANT was determined to be unlawfully present in the United States by the Field Office Director Los Angeles, CA and his previous order of deportation from the United States to Mexico was reinstated;
- (9) On October 18, 2004, the DEFENDANT was determined to be unlawfully present in the United States by the Field Office Director Los Angeles, CA and his previous order of deportation from the United States to Mexico was reinstated;
- (10) On October 14, 2005, the DEFENDANT was convicted in the Superior Court of California – County of Orange for the offense of UNLAWFUL POSSESSION OF A CONTROLLED SUBSTANCE - HEROIN, a felony, in violation of California Health and Safety Code Section 11350(A), and was sentenced to one year and four months in state prison;
- (11) On June 15, 2006, the DEFENDANT was determined to be unlawfully present in the United States by the Field Office Director San Francisco, CA and his previous order of deportation from the United States to Mexico was reinstated;
- (12) On October 10, 2006, the DEFENDANT was convicted in the Superior Court of California – County of Orange, for the offense of UNLAWFUL POSSESSION OF A CONTROLLED SUBSTANCE - HEROIN, a felony, in violation of California Health and Safety Code Section 11350(A), and was sentenced to one year and four months in state prison;
- (13) On, May 21, 2007, the DEFENDANT was encountered by IEA Jesse Cruz, at the Solidad State Prison {Monterey County}, and determined to be unlawfully present in the United States after a prior deportation and IEA Cruz advised the DEFENDANT his Miranda rights in the Spanish language. The DEFENDANT waived his Miranda rights and provided a written sworn statement attesting to his alienage, prior deportation, and failure to obtain permission from the Secretary of the Department of Homeland Security or the United States Attorney General to reenter the United States;
- (14) The DEFENDANTS official A-File does not contain any record or indication that he either requested or received permission from the Secretary of the Department of Homeland Security or the Attorney General of the United States to reenter the United States;

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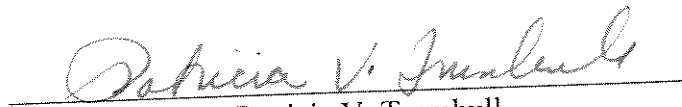
Gabriel GERMAN-Alarcon

- (15) Based on the above stated information, this Officer believes there is sufficient probable cause that the DEFENDANT is present within the United States in violation of Title 8, United States Code, Section 1326.



Timothy F. Purdy  
Deportation Officer  
Immigration and Customs Enforcement

Subscribed and sworn to before me this 19 day of June, 2007



Patricia V. Trumbull  
UNITED STATES MAGISTRATE JUDGE